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SENATE BILL 205: ANTI-DISCRIMINATION ACT

By Youngju Au

Senate Bill 205 (cross-filed with House Bill 307), prohibits discrimination based on sexual orientation in public accommodations, labor and employment, and housing. This Bill adds sexual orientation as another protected class to Article 49B of the Maryland Code, which currently prohibits discrimination based on race, color, religion, sex, age, national origin, marital status, and physical or mental handicap.

This Bill was first introduced in 1999 to the Maryland General Assembly where the House voted in favor of the Bill. The Bill then stalled in the Senate and was not reintroduced until January 2001, where it passed in March 2001.

This Act is subject to existing remedies and procedures regarding discrimination, as well as to existing exemptions from provisions of law that prohibit discrimination. Therefore, exempted from this Bill are religious organizations, the Boy Scouts of America, and the Girl Scouts of America. In addition, renters of rooms or apartments in an owner's principal residence are exempt from provisions of the Bill relating to housing discrimination. Furthermore, the Act immunizes an employer from liability when the employer engages in reasonable acts to verify the sexual orientation of any employee or applicant in response to a charge filed against the employer on the basis of sexual orientation.

Senate Bill 205 specifies that it may not be construed as authorizing or validating same-sex marriage and that it neither requires nor prohibits an employer from offering health insurance benefits to unmarried domestic partners. Furthermore, this Bill does not mandate that educational institutions promote any form of sexuality or sexual orientation or include such matters in its curriculum. Rather, this Bill is intended to ensure specific defined rights and not to endorse legislative approval of any form of sexual behavior.

This new Bill will take effect on October 1, 2001, and amends Article 49B – Human Relations Commission of the Annotated Code of Maryland.